

Message Text

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ORIGIN INT-05

INFO OCT-01 EUR-12 EA-12 NEA-10 IO-14 ISO-00 OES-09
EB-08 SIG-03 MMO-01 SMI-01 L-03 CEQ-01 EPA-04
COME-00 AF-10 ARA-14 CIAE-00 INR-10 NSAE-00 ICA-20
PA-02 H-02 /142 R

DRAFTED BY INT/SOL :RSWAN
APPROVED BY OES/ENP/EN:DRKING
INT/FWS/WPO:ALAZAROWITZ
INT/FWS/OES:RNOWAK
INT/FWS/LE:TGROSZ
INT/FWS/IA:LMASON
INT/FWS/AFA:KSCHREINER
EB/OT/STA:LLEVINE (INFO)
NEA/INS:JMALOTT
EUR/RPE:DKURSCH
EA/EP:DSTEBBING
OES/ENP/EN:CHSANDERS
-----005559 132204Z /70

P 132001Z JUL 78
FM SECSTATE WASHDC
TO ALL AFRICAN DIPLOMATIC POSTS PRIORITY
AMEMBASSY BONN
AMEMBASSY BRUSSELS
AMCONSUL HONG KONG
AMEMBASSY LONDON
AMEMBASSY NEW DELHI
AMEMBASSY PARIS
AMEMBASSY SINGAPORE
AMEMBASSY TAIPEI
AMEMBASSY TOKYO
AMCONSUL CALCUTTA
AMEMBASSY VIENNA
USMISSION GENEVA

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E.O. 11652: N/A

TAGS: SENV, US,XA,GW,BE,HK,UK,IN,FR,SN,TW,JA,SZ,AU

SUBJECT: US DETERMINATION OF AFRICAN ELEPHANT AS A THREAT-
ENED SPECIES

REF: TOKYO 9338, TOKYO 10335, STATE 147343, TOKYO 11198,
ABIDJAN 4648, ABIDJAN 6164, CALCUTTA 1052, VIENNA 6267

1. PURSUANT TO THE ENDANGERED SPECIES ACT OF 1973, THE U.S. FISH AND WILDLIFE SERVICE HAS ISSUED REGULATIONS THAT DETERMINE THE AFRICAN ELEPHANT TO BE A THREATENED SPECIES AND ESTABLISH A NUMBER OF PROHIBITIONS FOR ITS PROTECTION, 50 C.F.R. 17.11, 17.40(E) (LOWER CASE E); 43 F.R. 20499, 20504 (MAY 12, 1978). THE REGULATIONS BECAME EFFECTIVE ON JUNE 11, 1978. THE PROHIBITIONS INCLUDE BANS ON IMPORTATION, EXPORTATION, AND COMMERCIAL TRANSPORTATION OR SALE IN INTERSTATE OR FOREIGN COMMERCE.

2. THE REGULATIONS PROVIDE AN EXCEPTION TO THE IMPORTATION PROHIBITION FOR ITEMS ORIGINATING IN THE WILD IN A COUNTRY WHICH IS PARTY TO THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES), MARCH 3, 1978, T.I.A.S. NO. 8249, IF THE FOLLOWING CONDITIONS ARE MET: (1) THE ITEM MUST BE EXPORTED FROM SUCH COUNTRY OF

ORIGIN IN ACCORDANCE WITH ARTICLE IV OF THE CONVENTION; (2) IN ANY CASE OF RE-EXPORTATION, THE ITEM MUST BE RE-EXPORTED IN ACCORDANCE WITH ARTICLE IV OF THE CONVENTION; (NOTE, FOR THE PURPOSES OF CONDITIONS (1) AND (2) ABOVE COMPLIANCE WITH PARAGRAPH 2 OR PARAGRAPH 3 OF ARTICLE VII UNCLASSIFIED

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OF THE CONVENTION IS NOT REPEAT NOT SUFFICIENT) AND, (3) THE ITEM MUST REMAIN IN CUSTOMS CONTROL AND IN AN UNALTERED CONDITION IN ANY COUNTRY NOT A PARTY TO THE CONVENTION THAT IT ENTERS WHILE IN TRANSIT TO THE UNITED STATES.

3. EXEMPTIONS FROM THE PROHIBITIONS OF THE ACT GENERALLY AVAILABLE MAY ALSO BE AVAILABLE WITH RESPECT TO THE AFRICAN ELEPHANT. THUS, THE IMPORT PROHIBITION MAY NOT BE APPLICABLE TO SPECIMENS HELD IN CAPTIVITY OR IN A CONTROLLED ENVIRONMENT, OTHER THAN SPECIMENS HELD IN THE COURSE OF A COMMERCIAL ACTIVITY, ON DECEMBER 28, 1973, PURSUANT TO SECTION 9(B) (LOWER CASE B) OF THE ACT. ALSO, THE IMPORTATION OF SPORT TROPHIES OR OTHER ITEMS MAY BE ALLOWED IF THE REQUIREMENTS OF SECTION 9(C) (LOWER CASE C) (2) ARE MET.

4. AN AIRGRAM WILL FOLLOW WITH ATTACHMENTS: THE FINAL RULEMAKING FOR THE LISTING OF THE AFRICAN ELEPHANT AS A THREATENED SPECIES AND A LIST OF THOSE COUNTRIES THAT ARE A PARTY TO THE CITES CONVENTION.

5. FOR EMBASSIES TOKYO, ABIDJAN: HOPE THIS, IN CONJUNCTION WITH AIRGRAM TO FOLLOW, MEETS REQUIREMENTS IN

YOUR EARLIER INQUIRIES.

6. FOR CALCUTTA: REPLY REFTEL 1052 FORTHCOMING.

7. FOR VIENNA: SPECIFIC REPLY TO VIENNA 6267 FORTHCOMING.

8. FOR GENEVA: PLEASE INFORM IUCN AND CITES SECRETARIAT.
CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ENDANGERED SPECIES, ANIMALS
Control Number: n/a
Copy: SINGLE
Draft Date: 13 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE177020
Document Source: CORE
Document Unique ID: 00
Drafter: RSWAN
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780288-0002
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780763/aaaacavr.tel
Line Count: 124
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 3740da75-c288-dd11-92da-001cc4696bcc
Office: ORIGIN INT
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 TOKYO 9338, 78 TOKYO 10335, 78 STATE 147343, 78 TOKYO 11198
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2017017
Secure: OPEN
Status: NATIVE
Subject: US DETERMINATION OF AFRICAN ELEPHANT AS A THREAT- ENED SPECIES
TAGS: SENV, US, XA, GE, BE, HK, UK, IN, FR, SN, TW, JA, SZ, AU
To: AF POSTS BONN MULTIPLE
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/3740da75-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014